

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

| | | |
|-----------------------------------|---|-----|
| SUMER GALLOWAY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. |
| |) | |
| TIGER PARSONS |) | |
| (Sergeant with Buchanan |) | |
| County Sheriff's Department), and |) | |
| |) | |
| MIKE STRONG |) | |
| (Sheriff of the Buchanan |) | |
| County Sheriff's Department), and |) | |
| |) | |
| BUCHANAN COUNTY of the |) | |
| STATE OF MISSOURI |) | |
| Defendants. |) | |

COMPLAINT

COMES NOW Plaintiff Ms. Sumer Galloway by and through her legal counsel The Law Offices of Edward A. Stump, LLC., and The Woehlecke Firm, LLC. and for her claim against Defendants Mr. Tiger Parsons (Sergeant), Sheriff Mr. Mike Strong and Buchanan County of the State of Missouri alleges the following:

PARTIES

1. Plaintiff Sumer Galloway ("Plaintiff" or "Galloway") is a resident of the State of Missouri, residing in Clay County, Missouri.

2. Defendant Tiger Parsons ("Parsons") was at all times relevant herein, a citizen of Missouri and a Deputy or Sergeant employed by the Buchanan County Sheriff's Department, of Missouri. As a Buchanan County Deputy/Sergeant, Parsons' responsibilities included, but were not limited to, following official policy and custom of the police department in detaining, arresting, transporting and transferring individuals suspected of crimes. Parsons is being sued in his individual and official capacities.

3. Defendant Sheriff Mr. Mike Strong ("Sheriff Strong") is, and was at all times relevant herein, the Sheriff of the Buchanan County Sheriff's Department of Buchanan County within the State of Missouri. As the Sheriff, Defendant Sheriff Strong was responsible for the supervision and control of the Buchanan County Sheriff's Department, including, but not limited to. The clerical and ministerial staff of the Buchanan County Sheriff's Department and overseeing the execution of Buchanan Sheriff's Department policies, procedures, and customs. Sheriff Strong is sued in his individual and official capacities.

4. Defendant Buchanan County ("Buchanan County") is a governing entity located within Buchanan County, Missouri which contains and is responsible for the supervision and control of various departments within the County, as well as

being responsible for the supervision and control of the Buchanan County Sheriff's Department, including, but not limited to the Sheriff, Captains, Sergeants, Deputies, and officers, administrators, clerical, and ministerial staff of the Buchanan County Sheriff's Department ("Sheriff's Department") and overseeing the implementation and execution of the Sheriff Department's policies, procedures, and customs.

5. At all times relevant to this Complaint, Defendants Strong and Parsons acted in the course and scope of their employment as Sheriff Department employees of the Buchanan County Sheriff's Department, located in Missouri. Defendant Buchanan is vicariously liable for the actions of Defendants Strong and Parsons as alleged herein.

6. At all times relevant to this Complaint, Defendant Buchanan is believed to be a named insured under a liability policy of insurance. Accordingly, Defendant Buchanan County has waived its sovereign immunity under Missouri state law to the extent of its coverage limits under the policy pursuant to §537.610 RSMo.

JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§

1331 and 1343. In addition, jurisdiction is proper under 28 U.S.C. § 1367 in that Galloway's state law claims of unlawful arrest, assault, and battery are so related to each other that they form part of the same case or controversy under Article III of the United States Constitution.

8. Venue is proper in this Court under 28 U.S.C. § 1391 in that a substantial part of the acts or omissions giving rise to Galloway's claims occurred in the Western District of Missouri.

GENERAL ALLEGATIONS

9. **Law Enforcement Management.** At all times relevant herein, Defendant Buchanan County through its Sheriff's Department trained, supervised, promoted, disciplined, managed, rewarded, and fired all law enforcement personnel employed by the Buchanan County Sheriff's Department through their own various agents and administrators.

10. **Basis of Liability.** The events, acts, omissions, policies, procedures, customs, patterns, decisions, practices, instructions, orders, and guidelines of Defendant Buchanan County establish the basis of liability complained of below. Through negligent hiring, training, supervision, and retention of certain personnel, along with deliberate indifference or conscious disregard of the risk that employees

of the Buchanan County Sheriff's Department including but not limited to deputies, sergeants, commander, sheriffs and would injure citizens through unlawful arrest, use of excessive force, assault and battery and other illegal conduct, Defendants participated jointly and severally in the deprivation of Galloway's rights under the United States and Missouri Constitutions and various federal and state laws.

11. At or around 7:00 PM on May 13th 2009, Sumer Galloway, a single individual was sitting in a chair at the residence she was then currently residing at, which was located at 9355 S.E. 40th Street in St. Joseph, Missouri.

12. At the same time Sergeant Tiger Parsons of the Buchanan County Sheriff's Department had arrived at the residence located at 9355 S.E. 40th Street because there was a bad check warrant out for Sumer Galloway.

13. Parsons walked up to the residence and knocked on the door with the intent to locate Galloway.

14. The door was answered by Kyle Merritt who allowed the officer in who stated he wanted to speak with Sumer Galloway.

15. Galloway heard Sergeant Parsons and stated that she was in fact Sumer L. Galloway

16. Sergeant Parsons then asked Galloway to produce her ID so he could verify that she was who she claimed to be.

17. Galloway said that she would have to go get the ID as it was in the bedroom at the time.

18. Galloway walked past Sergeant Parson as she proceeded toward the hallway, as she needed to go down the hallway to the bedroom, in order to obtain the ID.

19. After Galloway had walked past Sergeant Parsons and was nearly to the bedroom door, Parsons demand that she stop or he would taser her.

20. Galloway at that time was nine months pregnant and in her third trimester, and was showing noticeably as she was normally just over one hundred pounds and she had gained sixty pounds during the pregnancy.

21. Galloway did as Parsons commanded by stopping and turning around, and further stated to Parsons that he was not going to taser her as she was nine months pregnant with child.

22. Parsons stated he would do whatever he wanted to do.

23. Galloway then turned to go get the ID as had been requested previously by Sergeant Parsons.

24. As she turned to go get the ID out of the bedroom Sergeant Parsons grabbed Galloway from behind by her upper arms and slammed her against the doorway frame leading into the bedroom where the ID was located. Sergeant Parsons' assault and battery on Galloway was unnecessary, unlawful, wrongful, and excessive in nature and the degree of force used as Galloway was only trying to comply with the officers request, and being nine months pregnant his actions were intentional, malicious wanton and reckless without any regards to the safety and health of Galloway and her unborn baby.

25. When Galloway was slammed against the doorway frame she felt immediate pain her arms, face, and right side.

26. Sergeant Parsons remaining in contact the entire time and standing behind Galloway continued is assault by slamming her to the floor and landing on top of her and her unborn child. There was no danger to Parsons at the time but the use of force is excessive because his action have caused a real danger to Galloway and her unborn child.

27. Sergeant Parson while sitting/straddling Galloway's back repeatedly yelled for her to put her hands back, which Galloway did with the left arm but the right arm was trapped underneath her body, and due to the weight of her pregnant body and the weight of Sergeant Parsons she was unable to move her arm behind her

back as was being demanded.

28. Sergeant Parsons then threatened to break Galloway's left arm if she could not put her right arm back as instructed, while doing this he was exerting a great amount of force onto Galloway's left arm.

29. Sergeant Parsons started yelling at Galloway asking if she was on drugs, and during this time Galloway was able to lodge her right arm free and put it behind her back.

30. Galloway while fearing for her life and her baby's life never resisted or attempted to fight back while being taken into custody by Sergeant Parsons even though she had pain in her arms and began having great pain in her abdomen.

31. During this time Marine's person at the residence that day began to come inside one witness asking if Galloway was going to be alright.

32. Sergeant Parsons then lifted Galloway up off of her stomach and off of the ground by her wrists and the handcuff in place on them which immediately cause her to have pain in her wrists.

33. Sergeant Parsons then escorted Galloway to his vehicle where she was put into the back seat.

34. Once in Sergeant Parsons vehicle Ms. Galloway asked that she be taken to the hospital as she was having intense abdominal pain and was concerned about the condition of her unborn child after she had been assaulted and taken into custody in such unnecessarily physical, aggressive, and abusive manner by Sergeant Parsons.

35. Sergeant Parsons after being requested by Galloway took her to Heartland Regional Medical Center.

36. Upon entering Heartland Regional Medical Center and after being examined by the staff there it was decided that due to the abruption in the pregnancy and the stress caused to Ms. Galloway and her unborn child by Sergeant Parsons that Ms. Galloway would have labor induced immediately for their safety.

37. After the successful delivery of her child, Ms. Galloway was release back into the custody of the Buchanan County Sheriff's Department and taken to the Buchanan County jail, where she would remain until her hearing on her bad check writing charge.

38. While in custody at the Buchanan County Detention Center Ms. Galloway was denied prescription medications and proper medical treatment/care.

39. As a result of the unlawful arrest and the excessive, deliberate, intentional,

reckless, and malicious actions of Sergeant Parsons, Ms. Galloway has suffered the following various injuries including but not limited to abrasions, bruises, laceration of the lower lip, wrist contusions, elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder.

38. The severe nature of Ms. Galloway's injuries have caused her incur medical expenses and further medical treatment including a future need for a visit to a specialist and like psychotherapy .

39. While Ms. Galloway was going to deliver her baby eventually the stress and manner in which the delivery need to occur was a direct result of the injuries cause by Sergeant Parsons. All of Ms. Galloway's injuries are a direct result of the injuries she sustained during Sergeant Parsons taking her into custody on May 13th 2009.

40. Sergeant Parsons' actions against Galloway were of a physical nature, being excessive, intentional, willful, wanton and malicious with a complete disregard for the safety of Ms. Galloway and her unborn child.

41. Sergeant Parsons' excessive use of force while detaining Galloway was more than that reasonably necessary in that Galloway was not acting in a violent fashion, trying to follow his instruction, kept her hands visible at all times and never attempted to flee the scene and thus did not pose a threat.

42. Sergeant Parsons' use of force caused Galloway bodily harm.

43. At no point did Galloway resist arrest, engage in acts to aggravate her physical condition, or otherwise intentionally fail to cooperate with the Buchanan County Sheriff's Department employees.

44. Sergeant Parsons knowing that Galloway was not suspected of a violent crime nor had a violent history was not in fear of his own safety, and should have in accordance to standards for Sheriff Department officers should have taken care and consideration in that Ms. Galloway was obviously nine months pregnant and should have been treated as being in such a condition.

45. Nonetheless, in reckless disregard and deliberate indifference to Galloway's protected right and civil liberties, physical condition and physical well-being, as well as that of her unborn child Sergeant Parsons subjected Galloway to an unlawful/wrongful arrest and excessive force outside of any national, state or local standards of conduct.

46. On September 11th, 2009 a formal citizens complaint under the Civil Rights Act 42 U.S.C. § 1983 was filed by Ms. Sumer Galloway with the Federal Courts of the Western District of Missouri (Case Number: 09-611-CV-SJ-GAF-P). (See attached Plaintiff's Exhibit "1")

47. Galloway has incurred medical expenses as a result of defendants' conduct including individuals and Buchanan county through its sub-entities the Buchanan County Sheriff's Department and The Buchanan County Detention Center.

48. Galloway's liberty and freedoms were unjustly restricted by Sergeant Parsons and other personnel of the Buchanan County Sheriff's Department and Buchanan County Detention Center.

49. The aforementioned acts and failures to act of defendants were done under the color of state law such that Galloway was denied her rights under the United States Constitution and the Missouri Constitution.

50. Galloway was injured as a result of the acts of the defendants.

COUNT I

(42 U.S.C. § 1983) – WRONGFUL/UNLAWFUL ARREST IN VIOLATION OF FOURTEENTH AMENDMENT AND THE CONSTITUTION OF THE STATE OF MISSOURI

51. Plaintiff incorporates and adopts by reference the allegations contained in paragraphs 1 through 50 above.

52. The actions described above as being performed under the color of law and causing deprivation of rights and privileges secured by the Constitution and law of the United States and of Missouri constitute violations of 42 U.S.C. § 1983.

53. Defendants' Actions violated Plaintiff's Fourth Amendment Right to be free from an unlawful seizure. Defendant Parsons had no probable cause to arrest or use any force against Plaintiff.

54. Defendants' actions and omissions were intentional, wrongful and/or reckless and resulted in the unlawful arrest and restraint of Plaintiff's freedom against his will and without legal justification or probable cause and constitute a violation of the Fourth and Fourteenth Amendments to the United States Constitution.

55. As a direct and proximate result of the unlawful and malicious physical

conduct by the defendants, committed under the color of state law and pursuant to each individual's authority as a law enforcement officer, Plaintiff suffered injuries and damages.

56. Plaintiff is entitled to actual damages against all Defendants based upon the facts alleged herein. Plaintiff's deprivation of constitutional rights was magnified by his associated loss of freedom, bodily injury (including but not limited to abrasions, bruises, laceration of the lower lip, wrist contusions, elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder emotional pain, suffering, humiliation, embarrassment, inconvenience, mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life. She also incurred medical expenses and the need for future medical treatment .

57. Plaintiff is entitled to exemplary damages against individual Defendants acting in their individual capacities based upon the facts alleged herein. All of the acts of Defendants were willful, wanton, reckless and malicious and demonstrate a total and deliberate indifference to, and conscious disregard for, the safety and

rights of the Plaintiff and her then unborn child.

58. 42 U.S.C. § 1988 authorizes the payment of attorneys' fees and expenses to Plaintiff's counsel, and Plaintiff seeks such relief.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against all Defendants in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; exemplary damages in excess of \$75,000; reasonable attorneys' fees and expenses: and for such other and further relief as the Court deems just and proper.

COUNT II

(42 U.S.C. § 1983) – WRONGFUL/UNLAWFUL ARREST IN VIOLATION OF FOURTEENTH AMENDMENT AGAINST DEFENDANTS

59. Plaintiff incorporates and adopts by reference the allegations contained in paragraphs 1 through 58 above.

60. The actions described above were performed pursuant to county practice and/or in conjunction with a policy statement, ordinance, regulation, or decision

officially adopted and promulgated by county officers. By adhering to such A county policy or custom, Defendants caused a deprivation of rights and privileges secured by the Fourth and Fourteenth Amendments to the Constitution and law of the United States and of Missouri in violation of 42 U.S.C. § 1983 and comparable state laws protecting against wrongful/unlawful arrest.

61. The existence or adoption by Defendants of a continuing, widespread, persistent pattern of unconstitutional misconduct by county employees further contributed to the deprivation of Plaintiff's constitutional rights. This continuing, widespread, persistent pattern of unconstitutional misconduct included, but was not limited to:

- a. allowing officers of Buchanan County Sheriff's Department to detain and take into custody non-violent, cooperative, non-fleeing suspects by using excessive physical force including but not limited to the physical act of force in detaining such suspects when placing them into custody;
- b. allowing officers of the Buchanan County Sheriff's Department to immediately threaten non-violent suspects with the threat of deadly force;
- c. allowing officers of the Buchanan County Sheriff's Department to continue to use excessive physical force including but not limited to use of aggressive

physical tactics against women who are pregnant in detaining a suspect and placing them into custody when she is not resisting or no longer resisting arrest or detainment.

d. Failing to adequately train and supervise Buchanan County Sheriff's Department employees/officers in the use of proper physical tactics and alternatives to the overly aggressive physical tactics and deadly force.

e. Failure to allow employees of the Buchanan County Detention Center to provide the prescribed medications and proper medical treatment to Ms. Galloway while she was an inmate detained at the same facility.

62. The Defendants demonstrated deliberate indifference to or tacit authorization of the above conduct by their county policymaking officials after notice to the officials of that misconduct.

63. As a direct and proximate result of the above county policy or custom controlling arrests, Plaintiff suffered injuries and damages.

64. Plaintiff claims that she is entitled to actual damages against all Defendants based upon the facts alleged herein. Plaintiff's deprivation of constitutional rights was magnified by her associated loss of freedom, bodily injury (including but not limited to various abrasions, bruises, laceration of the lower lip, wrist contusions,

elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder emotional pain, suffering, humiliation, embarrassment, inconvenience, mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life. She also incurred medical treatment expenses, and the need for continuing medical treatment.

65. [42 U.S.C. § 1988](#) authorizes the payment of attorneys' fees and expenses to Plaintiff's counsel, and Plaintiff seeks such relief.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against all Defendants in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

COUNT III

**(42 U.S.C. § 1983 - EXCESSIVE FORCE IN ARREST IN VIOLATION OF
THE FOURTH AMENDMENT, THE CONSTITUTION OF THE STATE
OF MISSOURI, AND FEDERAL AND STATE LAWS AGAINST
DEFENDANTS (SERGEANT TIGER PARSONS, SHERIFF MIKE
STRONG OF THE BUCHANAN COUNTY SHERIFF'S DEPARTMENT)**

66. Plaintiff incorporates and adopts by reference the allegations contained in paragraphs 1 through 65 above.

67. The actions described above as being performed under the color of law and causing deprivation of rights and privileges secured by the Constitution and law of the United States and of Missouri constitute violations of 42 U.S.C. § 1983.

68. The actions of the Defendants constituted violation of the Fourth Amendment to the United States Constitution and similar provisions of the Constitution of the State of Missouri. Plaintiff further alleges that there was an unreasonable seizure, an unconstitutional and illegal use of excessive force, and a deprivation of Plaintiff's liberty interest to be free from unnecessary and arbitrary

violence perpetrated by government officials. These rights were clearly established at the time of Defendants' use of excessive force and a reasonable person would have known that the manner of arrest clearly violated Plaintiff's Fourth Amendment rights. The force used was greater than that reasonably necessary at the time of the incident to affect the arrest of the Plaintiff.

69. As a direct and proximate result of the unlawful and malicious physical conduct by the defendants, committed under the color of state law and pursuant to each individual's authority as a law enforcement officer. Plaintiff suffered injuries and damages.

70. Plaintiff claims that he is entitled to actual damages against all Defendants based upon the facts alleged herein. Plaintiffs deprivation of constitutional rights was magnified by her associated loss of freedom, bodily injury (including but not limited to various abrasions, bruises, laceration of the lower lip, wrist contusions, elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder, emotional pain, suffering, humiliation, embarrassment,

inconvenience, mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life. She also incurred medical treatment expenses, and the need for future continuing medical treatment expenses.

71. Plaintiff claims that she is entitled to exemplary damages against individual Defendants acting in their individual capacities based upon the facts alleged herein. All of the acts of Defendants were willful, wanton, reckless and malicious and demonstrate a total and deliberate indifference to, and conscious disregard for, the safety and rights of the Plaintiff and her then unborn child.

72. 42 U.S.C. § 1988 authorizes the payment of attorneys' fees and expenses to Plaintiff's counsel, and Plaintiff seeks such relief.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against all Defendants in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; exemplary damages in excess of \$75,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

COUNT IV

(42 U.S.C. § 1983 - EXCESSIVE FORCE IN ARREST IN VIOLATION OF

**THE FOURTH AMENDMENT AGAINST DEFENDANT BUCHANAN
COUNTY AND BUCHANAN COUNTY SHERIFF MIKE STRONG)**

73. Plaintiff incorporates and adopts by reference the allegations contained in paragraphs 1 through 72 above.

74. The actions described above were performed pursuant to county practice and/or in conjunction with a policy statement, ordinance, regulation, or decision officially adopted and promulgated by county officers. By adhering to such A county policy or custom, Defendants caused a deprivation of rights and privileges secured by the Constitution and law of the United States and of Missouri in violation of [42 U.S.C. § 1983](#) and comparable state laws protecting against the use of excessive force in arrest,

75. The existence or adoption by Defendants of a continuing, widespread, persistent pattern of unconstitutional misconduct by county employees further contributed to the deprivation of Plaintiff's constitutional rights. This continuing, widespread, persistent pattern of unconstitutional misconduct included, but was not limited to:

a. allowing officers of Buchanan County Sheriff's Department to detain and take into custody non-violent, cooperative, non-fleeing suspects by using excessive

physical force including but not limited to the physical act of force in detaining such suspects when placing them into custody;

b. allowing officers of the Buchanan County Sheriff's Department to immediately threaten non-violent suspects with the threat of deadly force; and

c. allowing officers of the Buchanan County Sheriff's Department to continue to use excessive physical force including but not limited to use of aggressive physical tactics against women who are pregnant in detaining a suspect and placing them into custody when she is not resisting or no longer resisting arrest or detainment;

d. Failing to adequately train and supervise Buchanan County Sheriff's Department employees/officers in the use of proper physical tactics and alternatives to the overly aggressive physical tactics and deadly force;

e. authorizing intimidation during arrests; and

f. failing to adequately train and supervise police officers in the use of deadly force.

g. Failure to allow employees of the Buchanan County Detention Center to provide the prescribed medications and proper medical treatment to Ms. Galloway while she was an inmate detained at the same facility.

76. The Defendants demonstrated deliberate indifference to or tacit authorization of the above conduct by their county employees, officials, deputies, sergeants, commanders, sheriff after notice to proper county officials/employees of that misconduct was provided.

77. As a direct and proximate result of the above county policy or custom controlling arrests, Plaintiff suffered injuries and damages.

78. Plaintiff claims that she is entitled to actual damages against all Defendants based upon the facts alleged herein. Plaintiff's deprivation of constitutional rights was magnified by her associated loss of freedom, bodily injury (including but not limited to various abrasions, bruises, laceration of the lower lip, wrist contusions, elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder emotional pain, suffering, humiliation, embarrassment, inconvenience, mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life. She also incurred medical treatment expenses, and the need for

future continuing medical treatment.

79. 42 U.S.C. § 1988 authorizes the payment of attorneys' fees and expenses to Plaintiff's counsel, and Plaintiff seeks such relief.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against all Defendants in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

COUNT V

(ASSAULT AND BATTERY RSMo 565.060 AGAINST DEFENDANT SERGEANT TIGER PARSONS)

80. Plaintiff incorporates and adopts by reference the allegations contained in paragraphs 1 through 79 above.

81. Sergeant Parsons attempted to cause or knowingly cause physical injury to Ms. Sumer Galloway by means of a extreme physical force by use of his hands and body which in her pregnant condition could have been considered deadly force as well as the threat of the use of deadly force with a taser Ms. Galloway was grabbed, slammed, jumped on, and he arm wrenched with the full force of the

officers weight on her causing offensive contact and did in fact cause Galloway to be in the apprehension of offensive and bodily harm and actual physical contact causing bodily harm.

82. The amount of force used by Sergeant Parson was more than that reasonably necessary.

83. Sergeant Parsons' conduct caused Galloway bodily harm.

84. Sergeant Parsons committed these acts while acting in his capacity as a Sergeant for the Buchanan County Sheriff's Department and in the scope and course of employment in accordance with Buchanan Sheriff Department and Buchanan County policies, procedures, and customs which were done by Sergeant Parsons to further the interests of the County of Buchanan and the Buchanan County Sheriff's Department located within the State of Missouri under the general authority and direction of Sheriff Mike Strong and the Buchanan County Sheriff's Department and such acts arose from the performance of Sergeant Parsons work.

85. As a direct and proximate result of Sergeant Parsons threatening to taser, grabbing, pushing, smashing, slamming throwing and wrenching Galloway with his hands, Ms. Galloway, suffered the following injuries:

-abrasions, bruises,

- laceration of the lower lip,
- wrist contusions,
- elevated blood pressure, raised arterial pressure and respiratory rate,
- injury to left arm,
- loss of blood,
- trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor,
- low back pain,
- continued cervical problems, and later a miscarriage,
- continual inability to have a normal menstrual cycle,
- mental distress, emotional distress, post traumatic stress disorder
- emotional pain, suffering, humiliation, embarrassment, inconvenience,
- mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life,
- Expenses for health care services, including prescription medications, the exact

nature and extent of which is not presently known.

86. Plaintiff is entitled to actual damages against Defendant based upon the facts alleged herein. Plaintiffs deprivation of constitutional rights was magnified by her associated loss of freedom, bodily injury (including but not limited to various abrasions, bruises, laceration of the lower lip, wrist contusions, elevated blood pressure, raised arterial pressure and respiratory rate, injury to left arm, loss of blood, trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor, low back pain, continued cervical problems, and later a miscarriage, continual inability to have a normal menstrual cycle, mental distress, emotional distress, post traumatic stress disorder emotional pain, suffering, humiliation, embarrassment, inconvenience, mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life emotional pain, suffering, humiliation, embarrassment, inconvenience, mental distress, anxiety, fright nervousness, indignity, and loss of enjoyment of life. She also incurred medical treatment expenses, and the need for future and continuing medical treatment.

87. Plaintiff is entitled to exemplary damages against Defendant based upon the facts alleged herein. All of the acts of Defendant were willful, wanton, reckless and malicious and demonstrate a total and deliberate indifference to, and conscious

disregard for, the safety and rights of the Plaintiff.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against Defendant in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; exemplary damages in excess of \$75,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

Count VI
(VICARIOUS LIABILITY AGAINST DEFENDANT BUCHANAN
COUNTY FOR THE UNLAWFUL, WRONGFUL ARREST, EXCESSIVE
USE OF FORCE, AND ASSAULT AND BATTERY BY DEFENDANT
SERGEANT TIGER PARSONS)

88. Plaintiff incorporates the allegations and averments set forth in paragraphs 1 through 87 of the Petition as if fully set forth herein.

89. Defendant Parsons committed the acts described in the above described Counts I, II, III, IV, and V while acting in his capacity as Sergeant for the Buchanan County Sheriff's Department located within the Buchanan County in the State Missouri and in the scope and course of employment they were done by Defendant Parsons to further the interests of Defendant Buchanan County under the general authority and direction of the Buchanan County Sheriff's Department

and such acts naturally arose from the performance of Defendant Parsons work and required interactions with the residents of Buchanan County Missouri. The intentional acts, negligent acts and/or omissions of Defendant are therefore imputed to Defendant Buchanan County as a matter of law.

90. Defendant Buchanan is vicariously liable for all intentional acts, negligent acts and/or omissions including but not limited to the unlawful arrest, wrongful arrest, use of excessive force, malicious wanton and reckless action equating to assault and battery by their employee Defendant Tiger Parsons.

91. The above-described actions of Defendant Parsons for which the County of Buchanan in the State of Missouri is vicariously liable, directly caused or contributed to cause Plaintiff to suffer the following injuries.

- abrasions, bruises,

- laceration of the lower lip,

- wrist contusions,

- elevated blood pressure, raised arterial pressure and respiratory rate,

- injury to left arm,

- loss of blood,

-trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor,

-low back pain,

-continued cervical problems, and later a miscarriage,

-continual inability to have a normal menstrual cycle,

-mental distress, emotional distress, post traumatic stress disorder

-emotional pain, suffering, humiliation, embarrassment, inconvenience,

-mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life,

-Expenses for health care services, including prescription medications, the exact nature and extent of which is not presently known.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against Defendant Buchanan County in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

Count VIII

(NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION BY DEFENDANT COUNTY OF BUCHANAN THROUGH SUB-ENTITY BUCHANAN COUNTY SHERIFF'S DEPARTMENT)

92. Plaintiff incorporates the allegations and averments set forth in paragraphs 1 through 91 of the Petition as if fully set forth herein.

93. Defendant Buchanan County of the State of Missouri, and through its sub-entities the Buchanan County Sheriff's Department, and Buchanan County Detention Center had a duty to exercise reasonable and ordinary care to protect Plaintiff against unreasonable risks of harm through the hiring of qualified personnel, the training of their personnel, supervision of their personnel, and the retention of only qualified and competent personnel.

94. Defendant Buchanan County of the State of Missouri breached its duty to exercise reasonable and ordinary care to protect Plaintiff from unreasonable risks of harm in their hiring of qualified personnel, the training of personnel, proper supervision of their personnel, and retention of competent and qualified personnel by:

- a. Allowing employees/Sheriff Department Officers to use force as

they see fit without regard to the safety of the individual citizen whether suspected of a crime or not;

- b. Not training personnel to use other methods such as verbal communication to ask an individual to stay still and not move until the more Sheriff's Department Officers arrive, not requiring the use of force;
- c. Not hiring individuals for the Buchanan County Sheriff's Department Staff which can determine when it is appropriate to use force and when it is not appropriate and then how to direct the suspect through oral communication rather than physical means potentially inflicting bodily harm;
- d. Not hiring an individuals with the proper back ground in law enforcement or self defense whom would know how to physically take a suspect into custody without causing serious physical injuries;
- e. Not providing training to an individual of the Buchanan County Sheriff's Department Staff so they may be taught how to use physical force when apprehending or detaining someone without causing serious bodily harm;
- f. Not providing training on the various alternative means of getting an individual to obey commands made by an individual assigned to

- protect by the county without the use of deadly force;
- g. Not providing adequate training so that individuals are proficient in the use of all weapons for which they are armed with when working;
 - h. Not providing adequate training on the procedures to follow if an individual is having difficulty getting a non-violent person to do as the he or she is asking;
 - i. Not providing adequate supervision of Sheriff Department Officers to see if they completely understand their job duties, and how they are to be performed so they are not a danger to others when doing there respected job duties;
 - j. Allowing Sheriff's Department Officers to detain and take into custody non-violent, cooperative, non-fleeing suspects by using excessive physical force including but not limited to use of hand to hand combative moves and the threat of a taser in detaining such suspects;
 - k. allowing Sheriff's Department Officers to immediately threaten non-violent suspects with the threat of deadly force;
 - l. allowing Sheriff's Department officers to continue to use excessive physical force including but not limited to use of hand to hand

combat moves and the threat of the use of a taser upon a suspect when she is not resisting or no longer resisting arrest or detainment;

- m. authorizing intimidation during arrests;
- n. allowing a Sheriff's Department officer who has had numerous excessive force complaints to continue to be employed by the department and or work "the streets" having to interact with the citizenry in public on a regular basis;
- o. forcing a Sheriff's Department officer to go into a situation with fear because he is alone without the aid of a partner to assist in various situations where detaining and or arresting someone must occur and some type of physical force may be required;
- p. allowing Sheriff's Department officers to remain with the department who have been found to have previously violated police procedures and department protocol and procedures;
- q. allowing Buchanan County Detention Center employees to not provide the proper prescribed medication to inmates who are being detained there and not providing them with proper medical treatment.

95. As a direct and proximate result of the above-described joint and several negligence, for which the County of Buchanan is liable directly or vicariously liable, has caused Plaintiff to suffer the following injuries:

-abrasions, bruises,

-laceration of the lower lip,

-wrist contusions,

-elevated blood pressure, raised arterial pressure and respiratory rate,

-injury to left arm,

-loss of blood,

-trauma to the stomach causing severe abdominal pain, abruption to the intrauterine pregnancy which necessitated the induced labor,

-low back pain,

-continued cervical problems, and later a miscarriage,

-continual inability to have a normal menstrual cycle,

-mental distress, emotional distress, post traumatic stress disorder

-emotional pain, suffering, humiliation, embarrassment, inconvenience,

-mental distress, anxiety, fright, nervousness, indignity, and loss of enjoyment of life,

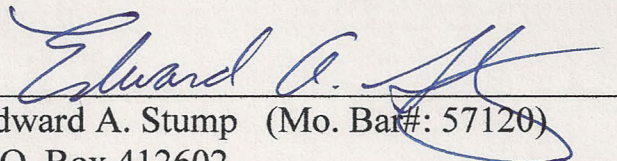
-Expenses for health care services, including prescription medications, the exact nature and extent of which is not presently known.

WHEREFORE, Plaintiff respectfully prays the Court for judgment against Defendant in an amount to be proven at trial, but not less than actual damages in the amount of \$25,000; punitive damages in excess of \$75,000; reasonable attorneys' fees and expenses; and for such other and further relief as the Court deems just and proper.

JURY DEMAND

96. Plaintiff requests a trial by jury for every issue so triable as of right.

**RESPECTFULLY SUBMITTED,
THE LAW OFFICES OF EDWARD A. STUMP, LLC.**



Edward A. Stump (Mo. Bar#: 57120)

P.O. Box 412602

Kansas City, MO. 64141

Phone: (816) 550-3606

Email: law.offices.edstump@gmail.com